

RESPONSE

This Amendment is in response to the Office Action dated December 22, 2003. Claims 1-48 were pending in this application. By this Amendment, Applicants have withdrawn claims 15, 18-21, 30, 34 and 35 without prejudice. Claim 3 has been amended to clarify that a single lumen is formed in the elongate tube. This amendment was not made to distinguish the invention over the prior art. Favorable reconsideration of all the pending claims is respectfully requested.

The Examiner objects to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner indicates that the disclosure fails to mention a longitudinal joint having a depth that extends from an external surface of the sheath to a surface of the lumen. Applicants have amended the specification to address this objection and to specifically point to the drawing figures which show the longitudinal joint having a depth that extends from the external surface of the sheath to the surface of the inner lumen.

The Examiner has withdrawn claims 2, 7, 8, 21 and 30 from further consideration as being drawn to a non-elected species. However, with respect to claims 2, 7 and 8, the particular species elected by Applicants, namely Species 6, FIG. 3C, is covered by claims 2, 7 and 8. Claim 2 directly recites the particular structure of the longitudinal joint depicted in FIG. 3C. Accordingly, Applicants respectfully request the Examiner to reconsider her position with respect to claims 2, 7 and 8.

The Examiner has rejected claims 1, 3, 4, 5, 15, 18, 19, 20, 29, 31, 32, and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,473,067 to Schiff (the "Schiff patent"). Applicants submit that the Schiff patent fails to disclose a sheath which has a resealable longitudinal joint as recited in claims 1 and 29. Therefore, the claimed invention is not disclosed in the Schiff patent. Accordingly, Applicants respectfully request the Examiner to withdraw the Schiff patent as an anticipatory reference.

The Examiner has rejected claims 1, 3, 4, 5, 15, 18, 19, 20, 29, 33, 34, and 35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,159,198 to Gardeski et al. (the "Gardeski patent"). Applicants have reviewed the Gardeski patent and note that there appears to be no longitudinal joint at all in the elongated tube that forms the delivery sheath. Rather, the sheath appears to be free of any pre-formed longitudinal joints, which are either resealable or non-resealable. For this reason alone, the Gardeski patent fails to disclose the claimed invention. Accordingly, Applicants again respectfully request the Examiner to withdraw the Gardeski patent as an anticipatory reference.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310 824 5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.